Act'' or the ''Dr. Kate Hendricks Thomas SERVICE Act''.

SEC. 2. REVISION OF BREAST CANCER MAMMOGRAPHY POLICY OF DEPARTMENT OF VETERANS AFFAIRS TO PROVIDE MAMMOGRAPHY SCREENING FOR VETERANS WHO SERVED IN LOCATIONS ASSOCIATED WITH TOXIC EXPOSURE.

(a) IN GENERAL.—Section 7322 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''The'' and inserting ''IN GENERAL.—The'';

(2) in subsection (b)—

(A) by striking ''The'' and inserting ''STANDARDS FOR SCREENING.—The''; and

(B) in paragraph (2)(B), by inserting ''a record of service in a location and during a period specified in subsection (d),'' after ''risk factors,''; and

(3) by adding at the end the following new subsections:

''(c) ELIGIBILITY FOR SCREENING FOR VETERANS EXPOSED TO TOXIC SUBSTANCES.—The Under Secretary for Health shall ensure that, under the policy developed under subsection (a), any veteran who, during active military, naval, or air service, was deployed in support of a contingency operation in a location and during a period specified in subsection (d), is eligible for a mammography screening by a health care provider of the Department.

''(d) LOCATIONS AND PERIODS SPECIFIED.—(1) The locations and periods specified in this subsection are the following:

''(A) Iraq during following periods:

''(i) The period beginning on August 2, 1990, and ending on February 28, 1991.

''(ii) The period beginning on March 19, 2003, and ending on such date as the Secretary determines burn pits are no longer used in Iraq.

''(B) The Southwest Asia theater of operations, other than Iraq, during the period beginning on August 2, 1990, and ending on such date as the Secretary determines burn pits are no longer used in such location, including the following locations:

''(i) Kuwait.

''(ii) Saudi Arabia.

''(iii) Oman.

''(iv) Qatar.

''(C) Afghanistan during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Afghanistan.

''(D) Djibouti during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Djibouti.

''(E) Syria during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Syria.

''(F) Jordan during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Jordan.

''(G) Egypt during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Egypt.

''(H) Lebanon during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Lebanon.

''(I) Yemen during the period beginning on September 11, 2001, and ending on such date as the Secretary determines burn pits are no longer used in Yemen.

''(J) Such other locations and corresponding periods as set forth by the Airborne Hazards and Open Burn Pit Registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(K) Such other locations and corresponding periods as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate in a report submitted under paragraph (2).

''(2) Not later than two years after the date of the enactment of the Dr. Kate Hendricks Thomas Supporting Expanded Review for Veterans In Combat Environments Act, and not less frequently than once every two years thereafter, the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall submit to Congress a report specifying other locations and corresponding periods for purposes of paragraph (1)(K).

''(3) A location under this subsection shall not include any body of water around or any airspace above such location.

''(4) In this subsection, the term 'burn pit' means an area of land that—

''(A) is used for disposal of solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.''.

(b) REPORT ON BREAST CANCER RATES FOR VETERANS DEPLOYED TO CERTAIN AREAS.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that compares the rates of breast cancer among members of the Armed Forces deployed to the locations and during the periods specified in section 7322(d) of title 38, United States Code, as added by subsection (a), as compared to members of the Armed Forces who were not deployed to those locations during those periods and to the civilian population.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2102), as amended, was passed.

Mr. SCHUMER. Mr. President, I further ask that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANNABIDIOL AND MARIHUANA RESEARCH EXPANSION ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 253 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 253) to expand research on the cannabidiol and marihuana.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Feinstein amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5015) in the nature of a substitute was agreed to, as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 253), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURE PLACED ON THE CALENDAR—H.R. 4373

Mr. SCHUMER. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4373) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

NOMINATION OF KETANJI BROWN JACKSON

Mr. MCCONNELL. Mr. President, the Judiciary Committee has completed its hearing for Judge Ketanji Brown Jackson. I enjoyed meeting the nominee. I went into the Senate's process with an open mind.

But after studying the nominee's record and watching her performance this week, I cannot and will not support Judge Jackson for a lifetime appointment to the Supreme Court.

First, Judge Jackson refuses to reject the fringe position that Democrats should try to pack the Supreme Court. Justice Ginsburg and Justice Breyer had no problem denouncing this unpopular view and defending their institution. I assumed this would be an easy softball for Judge Jackson, but it wasn't. The nominee suggested there are two legitimate sides to the issue. She testified she has a view on the matter but would not share it. She inaccurately compared her nonanswer to a different, narrower question that a prior nominee was asked. But Judge Jackson, seemingly, actually tipped her hand. She said she would be ''thrilled to be one of however many.''

''However many.''

The opposite of Ginsburg and Breyer's sentiment. The most radical pro-court-packing fringe groups badly wanted this nominee for this vacancy. Judge Jackson was the court-packer's pick, and she testified like it.

Second, for decades, activist judges have hurt the country by trying to make policy from the bench. This has made judicial philosophy a key qualification that Senators must consider.

President Biden stated he would only appoint a Supreme Court Justice with a specific approach that is neither textualist nor originalist. That is the President's litmus test: No strict constructionists need apply. And that President picked Judge Jackson.

If the nominee had a paper trail on constitutional issues, perhaps it could reassure us, but she doesn't. When Justice Gorsuch was nominated to the Supreme Court, he had written more than 200 circuit court opinions that Senators could actually study. Justice Kavanaugh had written more than 300. Justice Barrett outpaced them both. She wrote almost 100 appellate opinions in just 3 years, plus years of scholarship as a star professor that Senators could actually examine.

Judge Jackson has been on the DC Circuit for less than a year. She has published only two opinions. Beforehand, Judge Jackson served as a trial judge on the district court. She testified on Tuesday that that role did not provide many opportunities to think about constitutional interpretation.

Yet when Senators tried to dig in on judicial philosophy, the judge deflected and pointed back to the same record she acknowledged would not shed much light. One Senator simply asked the judge to summarize—summarize—well-known differences between the approaches of some current Justices. The nominee replied that 2 weeks' notice had not been enough time to prepare an answer.

President Biden said he would only nominate a judicial activist. Unfortunately, we saw no reason to suspect that he accidentally did the opposite.

Third, and relatedly, we are in the midst of a national violent crime wave and exploding illegal immigration. Unbelievably, the Biden administration has nevertheless launched a national campaign to make the Federal bench systemically softer on crime. The New York Times calls this a ''sea change.''

Is it more likely the administration chose a Supreme Court nominee who would push against their big campaign or somebody who would be its crowning jewel?

This is one area where Judge Jackson's trial court records provide a wealth of information, and it is troubling, indeed.

The judge regularly gave certain terrible kinds of criminals light sentences that were beneath the sentencing guidelines and beneath the prosecutor's request.

The judge herself, this week, used the phrase ''policy disagreement'' to describe this subject. The issue isn't just the sentences. It is also the judge's rhetoric and trial transcript and the creative ways she actually bent the law.

In one instance, Judge Jackson used COVID as a pretext to essentially rewrite—rewrite—a criminal justice reform law from the bench and make it retroactive, which Congress, of course, had declined to do. She did so to cut the sentence of a fentanyl trafficker while Americans died in huge numbers from overdoses.

Judge Jackson declined to walk Senators through the merits of her reasoning in specific cases. She just kept repeating that it was her discretion and if Congress didn't like it, it was our fault for giving her the discretion. That is hardly an explanation as to why she uses her discretion the way she does.

It was not reassuring to hear Judge Jackson essentially say that if Senators want her to be tough on crime, we need to change the law, take away her discretion, and force her to do it.

That response seems to confirm that deeply held personal policy views seep into her jurisprudence, and that is exactly what the record suggests.

I will conclude with this. Late on Tuesday, after hours of questioning, I believe we may have witnessed a telling moment. Under questioning about judicial activism, Judge Jackson bluntly said this:

> Well, any time the Supreme Court has five votes, then they have a majority for whatever opinion they determine.

That isn't just a factual observation. It is a clear echo of a famous quotation from perhaps the most famous judicial activist of all time, the archliberal William Brennan.

The late Justice Brennan told people the most important rule in constitutional law was ''the Rule of Five.'' With five votes, a majority can do whatever it wants.

That is a perfect summary of judicial activism. It is a recipe for courts to wander into policymaking and prevent healthy democratic compromise.

This is the misunderstanding of the separation of powers that I have spent my entire career fighting against. But President Biden made that misunderstanding his litmus test.

And nothing we saw this week convinced me that either President Biden or Judge Jackson's deeply invested, far-left fan club have misjudged her.

I will vote against this nominee on the Senate floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF KETANJI BROWN JACKSON

Mr. DURBIN. Mr. President, I was disappointed but not surprised that Senator MCCONNELL came to the floor and announced that he would not support the nomination of Ketanji Brown Jackson, by President Biden, to fill the vacancy of Stephen Breyer on the U.S. Supreme Court.

Just this morning, or early afternoon, we wrapped up the 4-day process in the Senate Judiciary Committee to consider her nomination, and that is why some of the statements which the Senator made in justifying his opposition, I believe, need to be addressed. I will be brief in doing so, but I wanted to make a record of it quickly.

It seems that he is concerned, as many Republicans are, with the notion of packing of the Court. The notion behind that is that the Democrats are inspired to appoint some number of new Justices to that Court—maybe four—and, thereby, tip the balance back toward the Democratic side.

The question, obviously, before us is, Where does that idea come from?

I will be honest with you, even as chairman of the committee, I don't know. I suppose there are some academics and theorists and researchers who believe that is well worthy of conversation, but let's be honest about this issue which seems to consume the Republicans in the Senate.

There is only one U.S. Senator who has had a direct impact on the composition of the U.S. Supreme Court in modern memory. Who was that Senator? It was Senator MITCH MCCONNELL, of Kentucky, because he decided to keep the Court at eight Justices for almost a year after the death of Antonin Scalia. He refused to give President Obama his constitutional and legal option of filling the vacancy from the Scalia departure on the Court, and for a year, MITCH MCCONNELL, for his own political purposes, kept the Court's composition at eight. So, when it comes to moving the numbers of Justices, he has retired the trophy in modern times because he was the one who did it.

When he starts speculating about the possibility of, ''Well, maybe they will add one, two, three, or four more Justices if the Democrats get an opportunity,'' I happen to know—and the Presiding Officer does as well—that nothing is going to happen in changing the composition of the Court unless it passes the U.S. Senate, which, under current rules, requires 60 votes. There are currently 50 Democrats and 50 Republicans. So the likelihood of ''packing the Court'' is very unlikely in the near future unless some decision is made by the electorate that dramatically changes that.

In the meantime, we are in a situation wherein we have a vacancy on the Court which we are trying to fill with a very competent person, and this notion of packing the Court being the No. 1 issue in deciding is beyond me. There